



General Assembly

**Substitute Bill No. 6502**

January Session, 2009

\* \_\_\_\_\_HB06502LAB\_\_\_\_031709\_\_\_\_\_\*

**AN ACT CONCERNING THE STANDARD WAGE FOR CERTAIN  
CONNECTICUT WORKERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-57f of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) As used in this section: (1) "Required employer" means any  
4 provider of food, building, property or equipment services or  
5 maintenance listed in this subdivision whose rate of reimbursement or  
6 compensation is determined by contract or agreement with the state or  
7 any state agent: (A) Building, property or equipment service  
8 companies; (B) management companies providing property  
9 management services; and (C) companies providing food preparation  
10 or service, or both; (2) "state agent" means any state official, state  
11 employee or other person authorized to enter into a contract or  
12 agreement on behalf of the state; (3) "person" means one or more  
13 individuals, partnerships, associations, corporations, business trusts,  
14 legal representatives or organized groups of persons; [and] (4)  
15 "building, property or equipment service" means any janitorial,  
16 cleaning, maintenance or related service; (5) "prevailing rate of wages"  
17 means the hourly wages paid for work performed within the city of  
18 Hartford under the collective bargaining agreement covering the  
19 largest number of hourly nonsupervisory employees employed within

20 the county of Hartford in each classification established by the Labor  
21 Commissioner under subsection (e) of this section, provided the  
22 collective bargaining agreement covers no less than five hundred  
23 employees in the classification; (6) "prevailing rate of benefits" means  
24 the total cost to the employer on an hourly basis for work performed  
25 within the city of Hartford, under a collective bargaining agreement  
26 that establishes the prevailing rate of wages, of providing health,  
27 welfare and retirement benefits, including, but not limited to, (A)  
28 medical, surgical or hospital care benefits; (B) disability or death  
29 benefits; (C) benefits in the event of unemployment; (D) pension  
30 benefits; (E) vacation and personal leave; (F) training benefits; and (G)  
31 legal services benefits, and may include payment made directly to  
32 employees, payments to purchase insurance, and the amount of  
33 payment or contributions paid or payable by the employer on behalf of  
34 each employee to any employee benefits fund; (7) "employee benefit  
35 fund" means any trust fund established by one or more employers and  
36 one or more labor organizations or one or more other third parties not  
37 affiliated with such employers to provide, whether through the  
38 purchase of insurance or annuity contracts or otherwise, benefits  
39 under an employee health, welfare or retirement plan, but does not  
40 include any such fund where the trustee or trustees are subject to  
41 supervision by the Banking Commissioner of this state or of any other  
42 state, or the Comptroller of the Currency of the United States or the  
43 Board of Governors of the Federal Reserve System; and (8) "benefits  
44 under an employee health, welfare or retirement plan" means one or  
45 more benefits or services under any plan established or maintained for  
46 employees or their families or dependents, or for both, including, but  
47 not limited to, medical, surgical or hospital care benefits, benefits in  
48 the event of sickness, accident, disability or death, benefits in the event  
49 of unemployment, retirement benefits, vacation benefits, legal service  
50 benefits or training benefits.

51 (b) On and after July 1, 2000, the wages paid on an hourly basis to  
52 any employee of a required employer in the provision of food,  
53 building, property or equipment services provided to the state

54 pursuant to a contract or agreement with the state or any state agent,  
55 shall be at a rate not less than the standard rate determined by the  
56 Labor Commissioner pursuant to subsection (g) of this section. In  
57 addition, each hourly nonsupervisory employee shall be granted time  
58 off with pay for any legal holiday. If a legal holiday falls on a Saturday  
59 or Sunday, employees shall be granted equivalent time off with pay on  
60 the Friday immediately preceding such Saturday or Sunday, or given  
61 another day off in lieu thereof.

62 (c) Any required employer or agent of such employer that violates  
63 subsection (b) of this section shall pay a civil penalty in an amount not  
64 less than two thousand five hundred dollars but not more than five  
65 thousand dollars for each offense. The contracting department of the  
66 state that has imposed such civil penalty on the required employer or  
67 agent of such employer shall, within two days after taking such action,  
68 notify the Labor Commissioner, in writing, of the name of the  
69 employer or agent involved, the violations involved and steps taken to  
70 collect the fine.

71 (d) The Labor Commissioner may make complaint to the proper  
72 prosecuting authorities for the violation of any provision of subsection  
73 (b) of this section.

74 (e) For the purpose of predetermining the standard rate of covered  
75 wages on an hourly basis, the Labor Commissioner shall establish  
76 classifications for all hourly nonsupervisory employees based on the  
77 applicable occupation codes and titles set forth in the federal Register  
78 of Wage Determinations under the Service Contract Act of 1965, 41  
79 USC 351, et seq., provided the Labor Commissioner shall classify all  
80 grounds maintenance laborers and housekeeping aides as janitors. The  
81 Labor Commissioner shall then determine the standard rate of wages  
82 for each classification of hourly nonsupervisory employees which shall  
83 be [equivalent to] (1) the prevailing rate of wages paid to employees in  
84 each classification, or if there is no such prevailing rate of wages, the  
85 minimum hourly wages set forth in the federal Register of Wage  
86 Determinations under the Service Contract Act, plus (2) the prevailing

87 rate of benefits paid to employees in each classification, or if there is no  
88 such prevailing rate of benefits, a thirty per cent surcharge on the  
89 amount determined in subdivision (1) of this subsection to cover the  
90 cost of any health, welfare and retirement [plans] benefits or, if no such  
91 [plan is in effect between] benefits are provided to the employees, [and  
92 the employer,] an amount equal to thirty per cent of the [hourly wage]  
93 amount determined in subdivision (1) of this subsection, which shall  
94 be paid directly to the employees. The standard rate of wages for any  
95 employee, entitled to receive such rate on or before July 1, 2009, shall  
96 not be less than the minimum hourly wage for the classification set  
97 forth in the federal Register Of Wage Determinations under the Service  
98 Contract Act plus the prevailing rate of benefits for such classification  
99 for as long as that employee continues to work for a required  
100 employer.

101 (f) Required employers with employees covered by collective  
102 bargaining agreements which call for wages and benefits that are  
103 reasonably related to the standard rate of wages shall not be  
104 economically disadvantaged in the bidding process, provided the  
105 collective bargaining agreement was arrived at through arms-length  
106 negotiations.

107 (g) The Labor Commissioner shall, in accordance with subsection (e)  
108 of this section, determine the standard rate of wages for each  
109 classification on an hourly basis where any covered services are to be  
110 provided, and the state agent empowered to let such contract shall  
111 contact the Labor Commissioner at least ten days prior to the date such  
112 contract will be advertised for bid, to ascertain the standard rate of  
113 wages and shall include the standard rate of wages on an hourly basis  
114 for all classifications of employment in the proposal for the contract.  
115 The standard rate of wages on an hourly basis shall, at all times, be  
116 considered the minimum rate for the classification for which it was  
117 established. Where a required employer is awarded a contract to  
118 perform services that are substantially the same as services that have  
119 been rendered under a predecessor contract, such required employer  
120 shall retain all employees who had been performing services under

121 such predecessor contract for at least ninety days following or after the  
122 date of first performance of services under the successor service  
123 contract. During such ninety-day period, the successor contract shall  
124 not discharge without just cause an employee retained pursuant to this  
125 subsection. If the performance of an employee retained pursuant to  
126 this subsection or section 4a-82 is satisfactory during the ninety-day  
127 period, the successor contractor shall offer the employee continued  
128 employment for the duration of the successor contract. The provisions  
129 of this subsection shall not apply to any contract covered by  
130 subsections (o) and (p) of section 4a-82.

131 (h) Each required employer subject to the provisions of this section  
132 shall (1) keep, maintain and preserve such records relating to the  
133 wages and hours worked by each employee and a schedule of the  
134 occupation or work classification at which each person is employed  
135 during each work day and week in such manner and form as the Labor  
136 Commissioner establishes to assure the proper payments due to such  
137 employees, and (2) annually or upon written request, submit to the  
138 contracting state agent a certified payroll which shall consist of a  
139 complete copy of such records accompanied by a statement signed by  
140 the employer which indicates that (A) such records are correct, (B) the  
141 rate of wages paid to each employee is not less than the standard rate  
142 of wages required by this section, (C) such employer has complied  
143 with the provisions of this section, and (D) such employer is aware  
144 that filing a certified payroll which it knows to be false is a class D  
145 felony for which such employer may be fined not more than five  
146 thousand dollars or imprisoned not more than five years, or both.  
147 Notwithstanding the provisions of section 1-210, the certified payroll  
148 shall be considered a public record and every person shall have the  
149 right to inspect and copy such record in accordance with the  
150 provisions of section 1-212. The provisions of subsections (a) and (b) of  
151 section 31-59, section 31-66 and section 31-69 which are not  
152 inconsistent with the provisions of this section shall apply. Any person  
153 who files a false certified payroll in violation of subdivision (2) of this  
154 subsection shall be guilty of a class D felony for which such person

155 may be fined not more than five thousand dollars or imprisoned not  
156 more than five years, or both.

157 (i) This section shall not apply to contracts, agreements or grants  
158 which do not exceed forty-nine thousand nine hundred ninety-nine  
159 dollars per annum.

160 (j) On receipt of a complaint for nonpayment of the standard rate of  
161 wages, the Labor Commissioner, the Director of Wage and Workplace  
162 Standards and wage enforcement agents of the Labor Department shall  
163 have power to enter, during usual business hours, the place of  
164 business or employment of any employer to determine compliance  
165 with this section, and for such purpose may examine payroll and other  
166 records and interview employees, call hearings, administer oaths, take  
167 testimony under oath and take depositions in the manner provided by  
168 sections 52-148a to 52-148e, inclusive. The commissioner or the  
169 director, for such purpose, may issue subpoenas for the attendance of  
170 witnesses and the production of books and records. Any required  
171 employer, an officer or agent of such employer, or the officer or agent  
172 of any corporation, firm or partnership who wilfully fails to furnish  
173 time and wage records as required by law to the commissioner, the  
174 director or any wage enforcement agent upon request or who refuses  
175 to admit the commissioner, the director or such agent to a place of  
176 employment or who hinders or delays the commissioner, the director  
177 or such agent in the performance of any duties in the enforcement of  
178 this section shall be fined not less than twenty-five dollars nor more  
179 than one hundred dollars, and each day of such failure to furnish time  
180 and wage records to the commissioner, the director or such agent shall  
181 constitute a separate offense, and each day of refusal of admittance, of  
182 hindering or of delaying the commissioner, the director or such agent  
183 shall constitute a separate offense.

184 (k) Notwithstanding subsection (i) of this section, any employer that  
185 pays the state for a franchise to provide food preparation or service, or  
186 both, for the state shall be required to certify that the wages and  
187 benefits paid to its employees are not less than the standard rate

188 established pursuant to this section.

189 (l) The Labor Commissioner may adopt regulations, in accordance  
190 with chapter 54, to carry out the provisions of this section.

191 (m) The provisions of this section and any regulation adopted  
192 pursuant to subsection (l) of this section shall not apply to any contract  
193 or agreement entered into before July 1, 2000.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2009</i>	31-57f
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**LAB**      *Joint Favorable Subst.*